

UNITED STATES DISTRICT COURT  
EASTERN DISTRICT OF MICHIGAN  
SOUTHERN DIVISION

LEMUEL DEAN BROWN and  
AMY L. BROWN,

CIVIL ACTION NO. 05 CV 60162 AA

Plaintiffs,

DISTRICT JUDGE JOHN CORBET O'MEARA

v.

MAGISTRATE JUDGE VIRGINIA M. MORGAN

CITY OF DETROIT, *et al.*,

Defendants.

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**ORDER GRANTING, IN PART, AND DENYING, IN PART,  
PLAINTIFFS' MOTION TO COMPEL DISCOVERY**

This matter comes before the court on Plaintiffs' Motion to Compel Discovery. Plaintiffs seek an order compelling defendants to answer Plaintiffs' First Set of Interrogatories, which plaintiffs allegedly served upon defendants on June 3, 2005, and to produce a copy of an April 19, 1987 search warrant, together with the supporting affidavit. Plaintiff Lemuel Dean Brown is currently serving a life sentence on murder and other charges at the Mound Correctional Facility, Detroit, Michigan. The warrant on which plaintiff seeks discovery was issued in the underlying criminal case.

On September 12, 2005, this court issued an order requiring defendants to file a response to plaintiffs' motion by September 28, 2005. Defendants did not respond to the motion. Accordingly, they have waived any objection to plaintiffs' request for production of the warrant and affidavit. Accordingly, the court hereby directs defendants to produce a copy of the warrant

and affidavit to plaintiffs within 30 days of the date of this order, to the extent such documents still exist and are in defendants' possession.

With regard plaintiff's interrogatories, Local Rule 37.2 provides, in part, that "[a]ny discovery motion filed pursuant to Fed. R. Civ. P. 26 through 37, shall include, in the motion itself or in an attached memorandum, a verbatim recitation of each interrogatory...which is the subject of the motion or a copy of the actual discovery document which is the subject of the motion." Plaintiffs have failed to comply with this rule as to their request for an order compelling defendants to respond to their first set of interrogatories. This court has an interest in *sua sponte* enforcing the federal and local rules in order to curb discovery and motion practice abuses. Thus, plaintiffs' request for an order compelling defendants to respond to their interrogatories is denied without prejudice notwithstanding the lack of any objection by defendants.

For the reasons stated above, **IT IS ORDERED** that plaintiffs' motion is **GRANTED** as to their request for production of the April 19, 1987 search warrant and affidavit. Defendants shall produce to plaintiffs a copy of the warrant, together with the affidavit, within 30 days of the date of this order.

**IT IS FURTHER ORDERED** that Plaintiffs' motion is **DENIED WITHOUT PREJUDICE** as to their request for an order compelling defendants to answer their First Set of Interrogatories.

Dated: October 24, 2005

s/Virginia M. Morgan  
VIRGINIA M. MORGAN  
UNITED STATES MAGISTRATE JUDGE

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**PROOF OF SERVICE**

The undersigned certifies that the foregoing order was served upon Lemuel Brown and counsel of record via the Court's ECF System and/or U. S. Mail on October 24, 2005

s/J Hernandez  
Case Manager to  
Magistrate Judge Virginia M. Morgan